

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In Re: ) **Chapter 11**  
 )  
W. R. Grace & Co., et al.<sup>1</sup>, ) **Case No. 01-01139 (JKF)**  
 ) **Jointly Administered**  
Debtors. )  
 ) **Re: Docket No. 15311**  
 )  
 ) **Claim No: (10523 –**  
 ) **559 Capitol Boulevard, St. Paul, MN)**

**DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 8006, Fed.R.Bankr.P., Bethesda Rehabilitation Hospital, (Claim No. 10523) respectfully submits its Designation of Items to be Included in the Record on Appeal.

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<sup>1</sup> The Debtors consist of the following 62 entities: W. R Grace & Co. (f/k/a Grace Specialty Chemicals, Inc.), W. R. Grace & Co.-Conn., A-I Bit & Tool Co., Inc., Alewife Boston Ltd., Alewife Land Corporation, Amicon, Inc., CB Biomedical, Inc. (f/k/a Circe Biomedical, Inc.), CCHP, Inc., Coalgracc, Inc., Coalgracc II, Inc., Creative Food 'N Fun Company, Darex Puerto Rico, Inc., Del Taco Restaurants, Inc., Dewey and Almy, LLC (f/k/a Dewey and Almy Company), Ecarg, Inc., Five Alewife Boston Ltd., G C Limited Partners I, Inc. (f/k/a Grace Cocoa Limited Partners I, Inc.), G C Management, Inc. (f/k/a Grace Cocoa Management, Inc.), GEC Management Corporation, GN Holdings, Inc., GPC Thomasville Corp, Gloucester New Communities Company, Inc., Grace A-B Inc., Grace A-B 11 Inc., Grace Chemical Company of Cuba, Grace Culinary Systems, Inc., Grace Drilling Company, Grace Energy Corporation, Grace Environmental, Inc., Grace Europe, Inc., Grace H-G Inc., Grace H-G II Inc., Grace Hotel Services Corporation, Grace International Holdings, Inc. (f/k/a Dearborn International Holdings, Inc.), Grace Offshore Company, Grace PAR Corporation, Grace Petroleum Libya Incorporated, Grace Tarpon Investors, Inc., Grace Ventures Corp., Grace Washington, Inc., W. R. Grace Capital Corporation, W. R. Grace Land Corporation, Gracoal, Inc., Gracoal II, Inc., Guanica-Caribe Land Development Corporation, Hanover Square Corporation, Homco International, Inc., Kootenai Development Company, L B Realty, Inc., Litigation Management, Inc. (f/k/a GHSC Holding, Inc., Grace JVH, Inc., Asbestos Management, Inc.), Monolith Enterprises, Incorporated, Monroe Street, Inc., MICA Holdings Corp. (f/k/a Nestor-BNA Holdings Corporation), MRA Intermedco, Inc. (f/k/a Nestor-BNA, Inc.), MRA Staffing Systems, Inc. (f/k/a British Nursing Association, Inc.), Remedium Group, Inc. (f/k/a Environmental Liability Management, Inc., E&C Liquidating Corp., Emerson & Curving, Inc.), Southern Oil, Resin & Fiberglass, Inc., Water Street Corporation, Axial Basin Ranch Company, CC Partners (f/k/a Cross Country Staffing), Hayden-Gulch West Coal Company, H-G Coal Company.

**Designation of Items to be Included in the Record on Appeal**

Date	Docket No.	Description
9/1/2005	9311	Debtors' Thirteenth Omnibus Objection to 2,937 Unauthorized Claims filed by Speights & Runyan
9/1/2005	9315	Debtors' Fifteenth Omnibus Objection to Claims
9/22/2005	9501	Scheduling/Case Management Order for Thirteenth Omnibus Objection to Claims
9/30/2005	9546	Debtors' Brief in Support of Disallowance & Expungement of 1900 Improper Claims filed by Speights & Runyan
10/21/2005	10014	Anderson Memorial's Motion for Class Certification
10/24/2005	10001	Speights & Runyan's Response to Debtors' Brief in Support of Disallowance & Expungement of 1900 Claims filed by Speights & Runyan
10/26/2005	10837	Debtors' Reply Brief in Support of Disallowance & Expungement of Improper Claims
12/12/2005		Notice of 30(b)(6) Deposition re: 1. The debtors' knowledge how many of the 200,000 + creditors mentioned in its December 2, 2005 response to Anderson Memorial Hospital's motion for class certification owned buildings to which asbestos-containing materials manufactured, sold or distributed by W. R. Grace & Co had been placed or were otherwise thought to be creditors holding potential property damage claims against the debtors. 2. The debtors' knowledge, if any, of what efforts the debtor has made to identify, list, catalog or otherwise find buildings in which asbestos-containing materials manufactured, sold or distributed by W. R. Grace & Co
12/12/2005		Notice of 30(b)(6) Deposition re: The debtors' knowledge and efforts to determine the address, building, location or owners of buildings in which asbestos-containing materials manufactured by W. R. Grace & Co. were installed or delivered.

12/19/2005	11365	Debtors' Motion for Protective Order as to 30(b0(6) Deposition
12/19/2005	11408	Scheduling Order
12/19/2005	11473	Hearing Transcript
12/22/2005	11428	Debtors' Reply Memorandum with Respect to Fifteenth Omnibus Objection
1/10/2006	11522	Anderson Memorial Hospital's Response to Motion for Protective Order
1/13/2006	11547	Debtors' Brief Describing the Prupose that Publication Notice Served in the Debtors' Bar-Date Notice-Program
1/20/2006	11594	Speights & Runyan's Sur-reply in Opposition to 13 <sup>th</sup> and 15 <sup>th</sup> Omnibus Objections
1/24/2006	11621	Debtors' Sur-reply in Support of Disallowance of 71 Claims for which Speights & Runyan has not established authority to file as of 3/31/03 bar date
1/25/2006	11729	Transcript of Hearing
1/25/2006	11627	Anderson Memorial's Proposed Reply Memorandum to Debtor's Brief re: the Notice Program and in Support of Class Certification
1/26/2006	11707	Transcript of Hearing
2/3/2006	11709	Anderson Memorial's Further Memorandum in Opposition to the Thirteenth Omnibus Objection – Ratification of Authority
2/3/2006	11712	Debtors' Further Memorandum re: Ratification of Authority to File Claims
8/21/2006	13077	Transcript of Hearing
4/17/2007	15210	Order Expunging 71 Asbestos Property Damage Claims for Failure to Establish Written Authority Prior to the Bar Date
4/17/2007	15209	Memorandum Opinion

Dated: May 7, 2007

Respectfully submitted,

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W. R. Grace & Co., et al. <sup>1</sup> ,	)	<b>Case No. 01-01139 (JKF)</b>
	)	<b>Jointly Administered</b>
Debtors.	)	
	)	<b>Re: Docket No. 15311</b>
	)	
	)	<b>Claim No: (10523 –</b>
		<b>559 Capitol Boulevard, St. Paul, MN)</b>

**STATEMENT OF ISSUES PRESENTED ON APPEAL**

Pursuant to Rule 8006, Fed.R.Bankr.P., Claimant, Bethesda Rehabilitation Hospital, (Claim No. 10523) respectfully submits its Statement of Issues Presented on Appeal.

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<sup>1</sup> The Debtors consist of the following 62 entities: W. R Grace & Co. (f/k/a Grace Specialty Chemicals, Inc.), W. R. Grace & Co.-Conn., A-I Bit & Tool Co., Inc., Alewife Boston Ltd., Alewife Land Corporation, Amicon, Inc., CB Biomedical, Inc. (f/k/a Circe Biomedical, Inc.), CCHP, Inc., Coalgracc, Inc., Coalgracc II, Inc., Creative Food 'N Fun Company, Darex Puerto Rico, Inc., Del Taco Restaurants, Inc., Dewey and Almy, LLC (f/k/a Dewey and Almy Company), Ecarg, Inc., Five Alewife Boston Ltd., G C Limited Partners I, Inc. (f/k/a Grace Cocoa Limited Partners I, Inc.), G C Management, Inc. (f/k/a Grace Cocoa Management, Inc.), GEC Management Corporation, GN Holdings, Inc., GPC Thomasville Corp, Gloucester New Communities Company, Inc., Grace A-B Inc., Grace A-B 11 Inc., Grace Chemical Company of Cuba, Grace Culinary Systems, Inc., Grace Drilling Company, Grace Energy Corporation, Grace Environmental, Inc., Grace Europe, Inc., Grace H-G Inc., Grace H-G II Inc., Grace Hotel Services Corporation, Grace International Holdings, Inc. (f/k/a Dearborn International Holdings, Inc.), Grace Offshore Company, Grace PAR Corporation, Grace Petroleum Libya Incorporated, Grace Tarpon Investors, Inc., Grace Ventures Corp., Grace Washington, Inc., W. R. Grace Capital Corporation, W. R. Grace Land Corporation, Gracoal, Inc., Gracoal II, Inc., Guanica-Caribe Land Development Corporation, Hanover Square Corporation, Homco International, Inc., Kootenai Development Company, L B Realty, Inc., Litigation Management, Inc. (f/k/a GHSC Holding, Inc., Grace JVH, Inc., Asbestos Management, Inc.), Monolith Enterprises, Incorporated, Monroe Street, Inc., MICA Holdings Corp. (f/k/a Nestor-BNA Holdings Corporation), MRA Intermedco, Inc. (f/k/a Nestor-BNA, Inc.), MRA Staffing Systems, Inc. (f/k/a British Nursing Association, Inc.), Remedium Group, Inc. (f/k/a Environmental Liability Management, Inc., E&C Liquidating Corp., Emerson & Curving, Inc.), Southern Oil, Resin & Fiberglass, Inc., Water Street Corporation, Axial Basin Ranch Company, CC Partners (f/k/a Cross Country Staffing), Hayden-Gulch West Coal Company, H-G Coal Company.

**Statement of Issues to Be Presented**

A. Whether the Bankruptcy Court erred in expunging the claimant's asbestos property damage claim on the basis that putative class counsel did not have authority to file the claim on behalf of the claimant who was a member of the putative class.

B. Whether the Bankruptcy Court erred in expunging the claimant's asbestos property damage claim on the basis that the claimant was precluded as a matter of law from ratifying a timely proof of claim filed on its behalf by putative class counsel of a class that included the claimant, even where the claimant/class member had received no direct or actual notice of the bar date from the Debtors.

C. Whether the Bankruptcy Court erred in expunging the claimant's asbestos property damage claim without an evidentiary hearing or without making specific findings of fact as to when the claimant received actual notice of the bar date and when the claimant provided authorization (written or oral) to class counsel to file or proceed with the proof of claim on claimant's behalf.

Dated: May 7, 2007

Respectfully submitted,

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